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Attorneys for Defendants/Counterclaim-Plaintiffs

Apotex Inc. and Apotex Corp.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

)	
	)	Civil Action No. 3:10-cv-05810
	)	(MLC) (LHG)
BRISTOL-MYERS SQUIBB COMPANY,)	
	)	(consolidated with Civil Action
Plaintiff/Counterclaim-Defendant,	)	No. 3:11-cv-6918 (MLC) (LHG))
)	
v.	)	DEFENDANTS' NOTICE OF
	)	MOTION FOR SUMMARY
APOTEX INC. and APOTEX CORP.,	)	JUDGMENT THAT PLAINTIFF
	)	LACKS A RECOVERABLE
Defendants/Counterclaim-Plaintiffs.	)	REMEDY FOR ITS
	)	INFRINGEMENT COUNTS AS TO
	)	U.S. PATENT NO. 7,491,725
)	
	)	<i>DOCUMENT ELECTRONICALLY FILED</i>

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that pursuant to the Amended Scheduling Order [ECF No. 185], on the **27th** day of **August, 2013**, Defendants/Counterclaim-Plaintiffs Apotex, Inc. and

Apotex Corp. (collectively, “Defendants”) will appear before the Honorable Mary L. Cooper, United States District Judge, sitting at the U.S. District Court for the District of New Jersey, Clarkson S. Fisher Federal Building & Courthouse, 402 East State Street, Trenton, New Jersey 08608, and will move this Court pursuant to Federal Rule of Civil Procedure 56 and L. Civ. R. 56.1 for an Order entering judgment that Plaintiff Lacks a Recoverable Remedy for Its Infringement Counts As To U.S. Patent No. 7,491,725.

PLEASE TAKE FURTHER NOTICE THAT in support of this motion, Defendants shall rely upon the accompanying Brief, Defendants’ Local Civil Rule 56.1 Statement of Material Facts Not in Dispute in Support of Their Motion for Summary Judgment that Plaintiff Lacks a Recoverable Remedy for its Infringement Counts As To U.S. Patent No. 7,491,725, the Declaration of Tara M. Raghavan with exhibit(s) thereto submitted concurrently herewith, any Reply papers submitted, and oral argument, if any. A proposed form of Order is also submitted for the Court’s consideration.

Respectfully submitted,

SAIBER LLC

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Apotex Inc. and Apotex Corp.

/s Arnold B. Calmann

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